

**U.S. Department of the Interior
Bureau of Land Management
Kremmling Field Office
P O Box 68
Kremmling, CO 80459**

DETERMINATION OF NEPA ADEQUACY (DNA)

NUMBER: DOI-BLM-LLCON02000-2014-038-DNA

PROJECT NAME: Junction Butte Fence Realignment

LEGAL DESCRIPTION: T. 1 N., R. 80 W., Sec. 16

APPLICANT: BLM

ISSUES AND CONCERNS: A portion of the fence constructed in 2012 is now sloughing into the river due to high river flows eroding the bank where it was constructed. The project area does not contain a BLM grazing permit.

DESCRIPTION OF PROPOSED ACTION: An approximately 650 foot section of fence and h-brace would be removed and constructed 20 feet to the south. This action would retain the integrity of the fence for its purpose to protect the Junction Butte Wetland.

Design Features:

- Any soil disturbance would be rehabilitated to reduce the spread of weeds.
- The BLM would inspect disturbed areas for noxious weeds for two growing seasons after the project is completed. If weeds are found, it would be the responsibility of the BLM to treat the weed infestations.
- The BLM would monitor the disturbed areas to insure successful re-vegetation by the end of the third growing season.
- During construction of the fence, all construction equipment must be clean prior to entering the project area.
- Fence construction would occur during dry soil conditions and any disturbance of soils during vegetative clearing must be minimized.

Decision to be made: Whether to move the fence or to leave it as it is.

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with the following plan (43 CFR 1610.5, BLM 1617.3):

Name of Plan: Kremmling Resource Management Plan (RMP), Record of Decision (ROD)

Date Approved: December 19, 1984; Updated February 1999

Decision Number/Page: Wildlife Habitat Management, Including Threatened and Endangered Species pages 8 and 9.

Decision Language: “Manage public land habitat to support optimum wildlife population levels as determined by the Colorado Division of Wildlife’s Strategic Plan.”

“Emphasis will be placed on intensively managing critical and important wildlife habitats, including.... 3,000 acres of wetlands...”

REVIEW OF EXISTING NEPA DOCUMENTS:

List by name and date all existing NEPA documents that cover the Proposed Action.

Name of Document: Junction Butte Wetlands Prescribed Burn and Fence
CO-120-2008-38-EA

Date Approved: 6/1/2009

NEPA ADEQUACY CRITERIA:

1. Is the new Proposed Action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document? If there are differences, can you explain why they are not substantial?

Yes, fence removal was not analyzed but ground disturbance for the project area is approved. Soil removed to for the realignment line will fill the holes where posts were removed.

2. Is the range of alternatives analyzed in the existing NEPA document appropriate with respect to the new Proposed Action, given current environmental concerns, interests, and resource values?

Yes, two alternatives (Proposed Action and No Action Alternative) were analyzed in EA # CO-120-2008-38-EA. No reasons were identified to analyze additional alternatives and these alternatives are considered to be adequate and valid for the Proposed Action.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, or updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new Proposed Action?

Yes, there is no new information or circumstances that would change an analysis.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new Proposed Action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Yes, fewer impacts are expected due to only 650 feet of fence would be re-constructed.

5. Is the public involvement and interagency review associated with existing NEPA documents adequate for the current Proposed Action?

Yes, there are minimal issues and concerns with this action. This is a fence maintenance exercise.

INTERDISCIPLINARY REVIEW:

The Proposed Action was presented to, and reviewed by, the Kremmling Field Office interdisciplinary team on 8/5/2014. A complete list of resource specialists who participated in this review is available upon request from the Kremmling Field Office. The table below lists resource specialists who provided additional remarks concerning cultural resources and special status species.

Name	Title	Resource	Date
Bill B. Wyatt	Archaeologist	Cultural Resources, Native American Religious Concerns, Paleontology	8/5/2014
Darren Long	Wildlife Biologist	Special Status Wildlife Species	07/31/2014
Darren Long	Wildlife Biologist	Special Status Plant Species	07/31/2014

REMARKS:

Cultural Resources: A Class I literature review (BLM #CR-14-28) was conducted for the removal and new fence alignment. The literature review covers 0.03 acres and is based on the survey conducted by Smith (2002). The project is a **no effect**. There are no historic properties affected.

Native American Religious Concerns: Tribal consultation was submitted on July 31, 2014. To date, no tribe has identified any area of traditional tribal concern.

Paleontology: Though fossils are known within the area the likelihood of impacting fossil resources is minute.

Threatened and Endangered Wildlife Species: Northern Leopard Frog is a BLM sensitive species that exists near the project site. The proposed action would take place outside of the wetland after the area is thoroughly drained and the frogs have returned to their subterranean refuge in the fall. The KFO biologist and project contact will survey the area and identify areas where equipment could be used and staged to avoid excessive compaction of soils.

Threatened and Endangered Plant Species: Not Present

COMPLIANCE PLAN: On-going compliance inspections and monitoring will be conducted by the BLM Kremmling Field Office staff during and after construction. Specific mitigation developed in this document will be followed. The operator will be notified of compliance related issues in writing, and depending on the nature of the issue(s), will be provided 30 days to resolve such issues.

NAME OF PREPARER: Darren Long

NAME OF ENVIRONMENTAL COORDINATOR: Susan Valente

CONCLUSION

Based on the review documented above, I conclude that this proposal conforms to applicable land use plan and that the NEPA documentation fully covers the Proposed Action and constitutes BLM's compliance with the requirements of the NEPA.

SIGNATURE OF AUTHORIZED OFFICIAL: /s/ Stephanie Odell
Field Manager

DATE SIGNED: 08/26/2014

Note: The signed Conclusion in this DNA Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

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DECISION RECORD

NUMBER: DOI-BLM-LLCON02000-2014-038-DNA

PROJECT NAME: Junction Butte Fence Realignment

DECISION: It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-LLCON02000-2014-038-DNA, authorizing an approximately 650 foot section of fence and h-brace to be removed and constructed 20 feet to the south.

COMPLIANCE WITH LAWS & CONFORMANCE WITH THE LAND USE PLAN

This decision is in compliance with the Federal Land Management and Policy Act, the Endangered Species Act, and the National Historic Preservation Act. It is also in conformance with the December 19, 1984; Updated February 1999 Kremmling Resource Management Plan (RMP).

PUBLIC INVOLVEMENT: The DNA will be available for a formal 30-day public comment period when posted on the Kremmling Field Office's internet website.

RATIONALE: Based on information in the DNA, the project record, and consultation with my staff, I have decided to implement the proposed action as described in the DNA. The project is not expected to adversely impact any resources with the stipulations and monitoring measures required by project.

ADMINISTRATIVE REMEDIES: Administrative remedies may be available to those who believe they will be adversely affected by this decision. Appeals may be made to the Office of Hearings and Appeals, Office of the Secretary, U.S. Department of Interior, Board of Land Appeals (Board) in strict compliance with the regulations in 43 CFR Part 4. Notices of appeal must be filed in this office within 30 days after publication of this decision. If a notice of appeal does not include a statement of reasons, such statement must be filed with this office and the Board within 30 days after the notice of appeal is filed. The notice of appeal and any statement of reasons, written arguments, or briefs must also be served upon the Regional Solicitor, Rocky Mountain Region, U.S. Department of Interior, 755 Parfet Street, Suite 151, Lakewood, CO 80215.

The effective date of this decision (and the date initiating the appeal period) will be the date this notice of decision is posted on BLM's (Kremmling Field Office) internet website.

SIGNATURE OF AUTHORIZED OFFICIAL: /s/ Stephanie Odell
Field Manager

DATE SIGNED: 08/26/2014